

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DANIEL R. JOSEPH

Examiner: Joseph S. Del Sole

Serial No.: 09/829,084

Art Unit: 1722

Filed: April 9, 2001

For: METHOD AND APPARATUS FOR AUTOMATIC CONTROL OF CAGE  
SIZE IN AN EXTRUDED FILM PRODUCTION LINE

DECLARATION OF KENNETH C. HILL IN SUPPORT OF  
PETITION TO ACCORD FILING DATE TO PETITION TO REVIVE

Dear Sir:

1. My name is Kenneth C. Hill. I am competent to make this Declaration. The facts stated in this Declaration are within my personal knowledge and are true and correct.

2. I am a partner and owner of the Hill Law Firm, which firm has represented Applicant in the above-identified patent application.

3. This application was abandoned unintentionally through failure to receive or respond to the Office Action mailed April 20, 2005, and an official Notice of Abandonment was mailed on November 7, 2005. At the time, my partner and colleague, Melvin A. Hunn, originally prosecuting this application had passed away and I was in the process of taking over his docket. My office moved from our former quarters in this time frame, adding to the confusion.

4. Upon becoming aware of the abandonment of this application on January 29, 2007, I faxed a request for a copy of the Office Action mailed April 20, 2005, and the Notice of Abandonment mailed November 7, 2005. The fax request stated that "Applicant's files do not

reflect that either of these documents were received by Applicant's attorney." (See attached Ex. 1). I am unsure whether these documents were received and not properly associated with the file, or were never received at all due to the confusion attending Mr. Hunn's passing and my taking over his docket.

5. The documents requested in paragraph 5 above were faxed to me from Dr. Gupta, SPE Art Unit 1722, on February 8, 2007 (see attached Ex. 2).

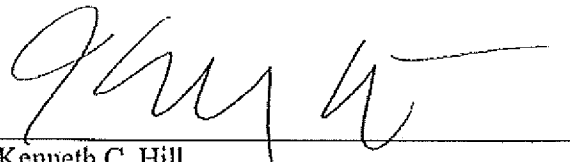
6. A "Preliminary Amendment and Response to Office Action" (Action mailed April 20, 2005), which also requests continued examination on page 1, and an accompanying document of the same title requesting to revive the application, were mailed by me via first class mail on October 9, 2007, as per the signed Certificate of Mailing statements, along with a return post card. (See Petition Ex. 1).

7. Upon no communication from the USPTO and no stamped return post card showing receipt of the Response, I mailed a "Status Request" via first class mail on September 10, 2008, as per the signed Certificate of Mailing, requesting the status of the petition to revive filed on October 9, 2007. A "Confirmation of Address" was also mailed to correct my current mailing address. A stamped return post card for these documents was received September 22, 2008. (See accompanying Petition Ex. 4). No reply to this Status Request has been received (nor mailed according to PAIR) (see Petition Ex. 3).

8. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such

willful false statements may jeopardize the validity of the subject Application or any patent issuing thereon.

EXECUTED on June 12, 2009.

  
Kenneth C. Hill

## ***Hill Law Firm***

Intellectual Property Attorneys  
6100 Southwest Blvd., Suite 303  
Fort Worth, Texas 76109

Ph:(817) 332-2113      Fax:(817) 332-2114

### **FACSIMILE TRANSMITTAL**

To: USPTO

Date/Time: 29 January 2007

Fax Number: 571-273-1316

From: Kenneth C. Hill

RE: Serial No. 09/829,084

Our File: 0291MH-43638

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Comments:

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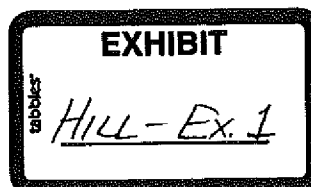
Pages transmitted including cover sheet: 3

If there is a problem with the facsimile transmission please call  
Elisabeth Rodriguez at 817.332.2113.

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Thank You.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 0291MH-34638

In re Application of:

Examiner: Joseph S. Del Sole

**DANIEL R. JOSEPH**

Serial No. 09/829,084

Art Unit: 1722

Filed: 9 APRIL 2001

For: **METHOD AND APPARATUS FOR AUTOMATIC CONTROL OF CAGE  
SIZE IN AN EXTRUDED FILM PRODUCTION LINE**

**REQUEST FOR COPY OF OFFICE ACTION**

**MAIL STOP:**

**Commissioner for Patents**

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Applicant hereby requests a copy of the office action mailed 20 April 2005, and the notice of abandonment mailed 7 November 2005. Applicant's files do not reflect that either of these documents were received by Applicant's attorney.

<i>CERTIFICATE OF TRANSMISSION</i> 37 CFR § 1.8	
Thereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.	
Date of Deposit: <u>29 Jan 2007</u>	By: <u>[Signature]</u>

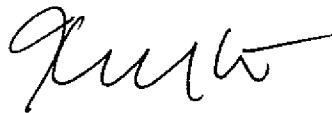
**REQUEST FOR COPY OF OFFICE ACTION**

Please send a copy via facsimile to Applicant's attorney, at the following fax number:

817-332-2114

Please do not hesitate to contact the undersigned if there are any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Hill', with a long horizontal flourish extending to the right.

Kenneth C. Hill  
Registration No. 29, 650  
HILL LAW FIRM  
6100 Southwest Blvd. Suite 303  
Fort Worth, Texas 76109  
(817) 332-2113

ATTORNEY FOR APPLICANT

HP Fax K1220

Log for  
HILL LAW FIRM  
8173322114  
Jan 29 2007 5:17pm

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Last Transaction

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jan 29	5:16pm	Fax Sent	15712731316	0:43	3	OK

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F/G call on 2-7-07 - left msg.



[Click here and type address]

To: Kenneth C Hill Fax: 817-332-2114

From: Dr. Gupta, SPE Art Unit 1722 Date: 2/8/2007

Re: Copy of office actions as requested by Pages: 14  
applicant's representative in S.No.  
09/829084

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle



CONFIDENTIAL

EXHIBIT

tabbles

HILL-Ex. 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,084	04/09/2001	Daniel R. Joseph	029)MH-34638	7420
7590 11/07/2005			EXAMINER	
HILL & HUNN, LLP			DEL SOLE, JOSEPH S	
Suite 1440			ART UNIT	
201 Main Street			PAPER NUMBER	
Fort Worth, TX 76102			1722	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding:

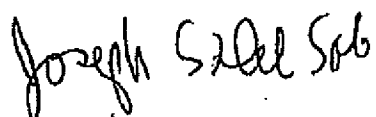
48

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	09/829,084	JOSEPH, DANIEL R.	
	Examiner	Art Unit	
	Joseph S. Del Sole	1722	

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -**

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 20 April 2005.
  - ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

  
 11/2/05  
 Joseph S. Del Sole

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/329,084	04/09/2001	Daniel K. Joseph	0291MH-34638	7620

7590 04/20/2005  
HILL & HUNN, LLP  
Suite 1440  
201 Main Street  
Fort Worth, TX 76102

EXAMINER
DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
1722	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/829,084	JOSEPH, DANIEL R.	
	Examiner	Art Unit	
	Joseph S. Del Sole	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-946)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

#### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to an apparatus, classified in class 425, subclass 72.1.
- II. Claims 12-15, drawn to a method, classified in class 264.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another and materially different apparatus, such as one without a supply blower and an exhaust blower.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Newly submitted claims 12-15 are directed to an invention that is independent or distinct from the invention originally claimed for the reasons stated above.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

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prosecution on the merits. Accordingly, claims 12-15 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because a) the abstract should include a summary of the sizing cage subsystem. Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: a) the title currently refers to both a method and an apparatus, but since only an apparatus is claimed the title should be amended to reflect this.

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Appropriate correction is required.

***Claim Objections***

4. Claims 7, 9 and 11 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 fails to describe the two modes of operation in such a way to structurally differentiate the cage position control routine from that which is claimed in claims 1 and 6. The Examiner notes that "relatively large distance" and "relatively small distance" do not further limit the relationships already claimed and further do not define relative relationships between the distance of the cage subsystem in the two modes. Claim 9 fails to further limit because claim 7 in which "contact mode" is defined is itself not further limiting. Furthermore, claim 9 introduces method limitations only. Structural limitations must be included which set forth that which makes the apparatus capable of moving inward or outward. Claim 11 does not further limit claim 8 because "to a desired position for said extruded film tube" is not a further-limiting structural recitation.

Appropriate correction is required.

5. Claim 1 is objected to because of the following informalities: a) "routine which utilizes" in section (f) of claim 1 should be changed to -- routine which is capable of utilizing--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:



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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 7 are vague and indefinite because it is unclear whether the "predetermined set point" limitation is a method limitation or a structural limitation. The Examiner suggests changing "which utilizes" to "--which is capable of utilizing--".

Claim 7 is vague and indefinite because it is unclear what distances from a predetermined set point are necessary to differentiate a mode of operation from being forecast or contact. The Examiner notes that "relatively large distance" and "relatively small distance" do not further limit the relationships already claimed and further do not define relative relationships between the distance of the cage subsystem in the two modes.

Claim 10 is vague and indefinite because it fails to clearly describe how the lay flat control system adjusts a finished product diameter. The limitation "control signals are supplied to said controller by said cage position control routine to said layflat control system" is unclear because it is unclear what is going "to said layflat control system". As the limitation reads, the cage position control routine supplies control signals to the controller. The function of the layflat control system is unspecified. Furthermore, it is unclear what measurements are inaccurate in the limitation "which are inaccurate measurements".

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Claim 11 is vague and indefinite because it is unclear what position is a desired position.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-3, 6-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joseph (5,525,277).

Joseph teaches a blown film apparatus, that corresponds to the instant apparatus, which includes an annular die 705 for extruding a film as a tube, means for pulling the tube along a predetermined path, and an apparatus for startup of the extruded film tube including means for varying a quantity of air within the extruded film tube, including a supply blower 729 which supplies air to the extruded film tube in an amount corresponding to a supply control signal, and an exhaust blower 749 which exhausts air from the extruded film tube in an amount corresponding to an exhaust

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control signal, and a control member 753 including executable program instructions which define at least one control routine for automatic and coordinated control of the means for varying during starting of the extruded film tube by directing a series of supply control signals to the supply blower and exhaust control signals to the exhaust blower (col 14, line 3 - col 15, line 53 and col 21, line 3 to col 22, line 35). Joseph also teaches a sizing cage subsystem (Fig 4, #23) surrounding the extruded film tube and including an electrically-actuable controllable actuator for moving the sizing cage inward and outward (col 7, lines 15-35) relative to the extruded film tube; a first non-contact sensor (Fig 4, #89) for measuring a distance between the cage subsystem and the extruded tube; wherein the executable program instructions include a cage position control routine which utilizes the cage subsystem-to-tube distance to calculate a location of the sizing cage subsystem (col 6, line 44 - col 7, line 2); the first non-contact sensor is mounted to a moving arm of the sizing cage subsystem, wherein movement of the sizing cage subsystem results in a corresponding movement of the first non-contact sensor (Figures 4 and 7A); a cage position routine which utilizes the actuator to reposition the sizing cage in response to a predetermined set point through a series of steps (col 6, line 44 - col 7, line 2); and during operation a user is permitted to introduce values to move the sizing cage (col 18, lines 25-45).

Joseph fails to teach second and third non-contact sensors for measuring a diameter of the extruded tube wherein the second and third non-contact sensors are located in fixed positions equally spaced around the sizing cage subsystem.

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Schott, Jr. teaches second and third non-contact sensors (Figs 2 and 4, #22) for measuring a diameter of the extruded tube, wherein the second and third non-contact sensors are located in fixed positions equally spaced around the sizing subsystem for the purpose of comparing the final diameter produced to a desired diameter and operating the device based on the diameter sensed (col 5, lines 9-52).

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the apparatus of Joseph with second and third non-contact sensors as taught by Schott, Jr. because it enables control of the blown film apparatus based on the diameter of the blown film.

#### ***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

The Applicant argues that in claim 7 the large and small distances are relative.

It is the relative nature of the distances that causes the claims to be vague and indefinite. Such vagueness does not serve to structurally define the apparatus. The structural difference of the apparatus between operation in each mode should be made clear. The use of ambiguous phrases such as "relatively large" should be replaced with "first" and the structural differences between the two differences defining the two modes should be defined.

The Applicant argues that claim 10 has been corrected.

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While claim 10 has been partially corrected and clarified, the claim remains vague and indefinite particularly with regard to the first portion of the claim as discussed above.

The Applicant argues that the reference does not have lay flat sensors.

While this may be true, the second and third sensors as claimed in claim 1 are not limited to lay flat sensors.

The Applicant argues that the reference does not teach the second and third sensors controlling the cage.

While this may be true, the claims do not recite the second and third sensors controlling the cage. The first sensor as taught by the primary reference does control a cage (col 8, lines 28-41).

#### **Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Correspondence**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Benjamin Utech, can be reached at (571) 272-1137. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).



Joseph S. Del Sole  
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